UNITED STATES DISTRICT COURT

District of Minnesota

V.	BILL OF COSTS				
V.	Case Number:				
Judgment having been entered in the above entitled action the Clerk is requested to tax the following as costs:	against , Date				
Fees of the Clerk	\$				
Fees for service of summons and subpoena					
Fees of the court reporter for all or any part of the transcript necessarily	obtained for use in the case				
Fees and disbursements for printing					
Fees for witnesses (itemize on reverse side)					
Fees for exemplification and copies of papers necessarily obtained for use	e in the case				
Docket fees under 28 U.S.C. 1923					
Costs as shown on Mandate of Court of Appeals					
Compensation of court-appointed experts					
Compensation of interpreters and costs of special interpretation services	under 28 U.S.C. 1828				
Other costs (please itemize)					
	TOTAL \$				
SPECIAL NOTE: Attach to your bill an itemization and documentation for requested	costs in all categories.				
DECLA	RATION				
for which fees have been charged were actually and necessarily performe prepaid to:					
Signature of					
Name of Attorney:					
For: Name of Claiming Party	Date:				
Costs are taxed in the amount of	and included in the judgment.				
By:					

Clerk of Court

Deputy Clerk

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
	ATTENDANCE		SUBSISTENCE		MILEAGE		
NAME AND RESIDENCE	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Total Cost Each Witness
					TO	OTAL	

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

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PROCEDURE FOR TAXING COSTS

Costs shall be submitted on Form AO-133 which is provided by the Administrative Office of the United States Courts for this purpose. The form can be requested from the Clerk's Office, United States District Court. The completed AO-133 form shall be submitted with substantiating documentation to the Minneapolis Clerk's office.

Costs generally <u>are not</u> taxed and the Bill of Costs should not be submitted until the following conditions are met:

- 1. the time for filing of the Notice of Appeal has expired,
- 2. a decision on post-trial motions has been made,
- 3. the appeal has been decided on the merits or dismissed, or
- 4. Writ of Certiorari is denied and opinion of the Supreme Court is filed.

Office Procedure

A briefing schedule is sent to counsel of record when the Bill of Cost is filed. An appearance before the Clerk is not required. Costs will be taxed as submitted if objections are not filed. If the matter of costs is resolved prior to taxation by the Clerk, written notification of disposition shall be submitted.

General Information

Taxation of Costs on Appeal	See FRAP, Rule 39(d) & (e). NOTE: Costs granted at the Court of Appeals level are entered in the judgment rolls upon receipt of the Mandate in the District Court. DO NOT INCLUDE THESE COSTS IN THE AO-133 BILL OF COST FORM.
Attorney Fees	Do not incorporate into the Bill of Costs; Refer LR54.3 and 28 U.S.C. § 2412.
Substantiating Documentation	Copies of receipts, statements, bills, checks, etc. must be submitted in support of costs and explanation of necessity for cost items claimed.
Deposition Costs	Generally allowed only when read into the record or_received as evidence.
Exhibits	Large or unusual expenditures, such as models, must be approved by the court prior to trial or preparation, or they are generally not allowed. Exhibits must be identified by number if costs are claimed.
Copies	Generally not allowed <u>unless</u> received as an exhibit during trial (number identification). Certified or exemplified copies are generally allowed.
Costs Differentiated from Fees and Expenses	FRCP 54 and Wright & Miller, §§ 2666 and 2677.
Expert Witnesses	The Clerk is authorized to tax only the statutory witness fee of \$40 per day; subsistence if an overnight stay is required (effec. 7/21/00): Minneapolis \$141; St. Paul \$141; Duluth 6/1 to 10/31 \$117 and 11/1 to 5/31 \$98; Rochester \$106; Anoka County \$99; Dakota County \$109; Fergus Falls \$85.00 and \$.345 per mile round trip travel (eff. 2/12/01). See 28 U.S.C. § 1821. Questions should be directed to the appropriate division.
Air Travel	28 U.S.C. § 1821(c)(1): utilize common carrier at the most economical rate available. Receipt(s) must be furnished.

Reference: FRCP Rule 54(d); 28 U.S.C. §§ 1920, 1923, and 192 Federal Practice and Procedure, Wright & Miller Vol X.

For Information on taxation of costs, contact: Amy Leonetti, Pro Se Law Clerk, Minneapolis Clerk's Office, 612-664-5035 Susan Anderson, Division Manager, Duluth Clerk's Office 218-529-3502

(costspro.f.wpd) (9/01)